

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Secured Construction LLC,)	C/A No.: 3:10-903-JFA-PJG
)	
Plaintiff,)	
)	
v.)	
)	
)	ORDER
Executive Construction LLC; Judy A.)	
Wilson; Melinda D. Brown; Jason A.)	
Gates; Teresa L. Boyett; Kathleen B.)	
Delzotti; Ross Raiff; Bryce Raiff; and)	
Eddie Yandle,)	
)	
Defendants.)	
_____)	

Secured Construction LLC has brought a claim for breach of contract alleging non-payment for construction work performed. Secured Construction is proceeding *pro se*.

This matter is before the court for review of the magistrate judge's report and recommendation made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02 DSC. The magistrate judge assigned to this action has prepared a comprehensive report and recommendation in which she recommends that this action be dismissed without prejudice and without issuance and service of process for lack of subject matter jurisdiction, given that there is no federal question and the parties are citizens of the same state. The report further notes that a corporation may not proceed without counsel. The report sets forth in detail the relevant facts and standards of law, which the court incorporates here.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final

determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the magistrate judge, or recommit the matter to the magistrate judge with instructions. 28 U.S.C. § 636(b)(1).

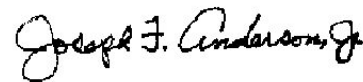
The court notified Secured Construction of its right to file objections to the report and recommendation entered on the docket on April 23, 2010 [Doc. 11]. Secured Construction timely filed objections on May 6, 2010 [Doc. 14]. In the objections to the report, Secured Construction raises the same issues already addressed by the magistrate judge.

After careful review of the applicable law, the record in this case, the report and recommendation, and the objections filed by Secured Construction, the court finds the magistrate judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The court adopts the recommendation of the magistrate judge in full and incorporates the report by specific reference.

Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

June 1, 2010
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge